

**Case Nos. 23-2081, 23-2302, 23-2377**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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**CEMEX CONSTRUCTION MATERIALS PACIFIC, LLC,**

Petitioner - Cross-Respondent

v.

**NATIONAL LABOR RELATIONS BOARD,**

Respondent - Cross-Petitioner

v.

**INTERNATIONAL BROTHERHOOD OF TEAMSTERS,**

Petitioner-Intervenor

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**ON PETITION FOR REVIEW AND CROSS-APPLICATION FOR  
ENFORCEMENT OF DECISION OF THE NLRB**

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**JOINT MOTION FOR CLARIFICATION  
OF ORDER SETTING ORAL ARGUMENT**

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CEMEX Construction Materials Pacific, LLC (“CEMEX”), the International Brotherhood of Teamsters (“IBT”), and the National Labor Relations Board (“NLRB”) jointly move for clarification of this Court’s August 21, 2024 Order setting this appeal for oral argument on October 21, 2024, at 9:30 a.m. in San Francisco. [Dkt. Entry 91.]

The Court’s Order states that each side has twenty (20) minutes of argument time. In this case, there are *three* sides—both CEMEX and IBT petitioned for review from the NLRB’s August 25, 2023 decision, and the NLRB petitioned for enforcement of its decision. On October 25, 2023, this Court consolidated all three appeals [Dkt. Entry 19], and briefing proceeded as follows:

CEMEX’s Opening Br.	February 2, 2024
IBT’s Opening Br.	February 2, 2024
NLRB’s Answering Br.	April 22, 2024
IBT’s Intervenor Brief	April 29, 2024
IBT’s Reply Br.	May 20, 2024
CEMEX’s Reply Br.	May 20, 2024

Counsel for the parties conferred and agreed to seek clarification from this Court that each party (CEMEX, IBT, and the NLRB) has 20 minutes of argument time, for a total of 60 minutes. The parties also agreed to propose to this Court that, assuming each of them does have 20 minutes of argument time, the oral argument proceed as follows:

CEMEX	20 minutes, with the right to ask the Court to reserve some time for rebuttal
IBT	20 minutes, with the right to ask the Court to reserve some time for rebuttal
NLRB	20 minutes
IBT	Rebuttal time
CEMEX	Rebuttal time

Accordingly, the parties respectfully request that the Court issue an order (i) confirming that the parties' proposed sequence and allocation of time for oral argument is acceptable, or (ii) clarifying what the Court will permit by way of a sequence and allocation of time for oral argument.

Respectfully submitted,

/s/Maurice Baskin

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### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court of the U.S. Court of Appeals for the Ninth Circuit by using the appellate ACMS system on September 11, 2024. I certify that all participants in the case are registered ACMS users and that service will be accomplished by the appellate ACMS system.

Dated this 11th day of September, 2024.

/s/Maurice Baskin